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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Z. Sohn and A. DeRowe

Serial No.: 08/883,220

Filing Date: June 26, 1997

Art Unit: 3309

For: ***Improved Method and
Devices for the
Treatment of Airway
Obstruction, Sleep Apnea
and Snoring***

Attorney Docket No.: 2117.034

Patent Application

3

Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL LETTER

Sir:

In response to the Notice to File Missing Parts, enclosed herewith are (1) a Declaration and Power of Attorney; (2) Verified Statement Claiming Small Entity Status - Independent Inventors; (3) copy of an Assignment signed by the inventors and (4) Verified Statement Claiming Small Entity Status - Small Business Concern. A fee for \$65.00 in payment of the late filing fee (based on the small entity status established herewith) is enclosed. In the event of any further fee due in connection with this transmittal, the Commissioner is authorized and directed to debit our Account No. 02-2105 for the amount of such deficiency.

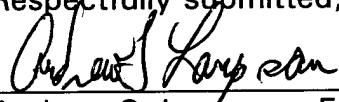
When the above-captioned patent application was first filed, Applicant submitted \$770 in payment of the basic filing fee. Fees for the additional claims and additional independent claims were not included. Since this application was filed as a small entity, \$984 should have been enclosed as the total filing fee.

Upon receipt of the filing receipt, this application was charged as a large entity for the sum of \$1,968, the proper amount if large entity status was appropriate. Our Deposit Account was charged \$1,198 (\$1,968 (large entity filing fee) - \$984 (small entity filing fee) = \$1,198) for the difference since no small entity declaration was included. Actually, Applicant only owed \$214 (\$984 (correct filing fee amount) - \$770 (filing fee amount submitted for this application) = \$214) to the USPTO and that was the amount that should have been charged to the Deposit Account. Therefore, we request a refund to our Deposit Account in the amount of \$984 (\$1,198 (amount charged to deposit account) - \$214 (amount owed to USPTO) = \$984).

Dated: December 18, 1997


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Respectfully submitted,


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Attorney for Applicant

CERTIFICATE OF MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.


Ann Marie LoScalzo
Mailing Date: December 18, 1997